



GARDEN COURT CHAMBERS

Kate Aubrey-Johnson

YEAR OF CALL: 2001



PRO BONO
RECOGNITION
LIST
ENGLAND & WALES



Kate is a youth justice specialist barrister and mediator at Garden Court Chambers with experience as a criminal defence practitioner and public lawyer.

Kate is co-author of the leading textbook *Youth Justice Law and Practice* (LAG, 2019). She is a youth justice expert and is regularly called upon to give lectures and deliver training. She chairs the Ministry of Justice's Working Group on Youth Advocacy and works in an advisory capacity in the youth justice sector. Kate is working closely with the Law Society, the Criminal Bar Association and the Inns of Court College of Advocacy to ensure lawyers have the specialist skills and expertise to represent children. Kate was Highly Commended in Every Child Protected Against Trafficking (ECPAT) UK's 'Children's Champion Awards' for her commitment to supporting child victims of trafficking.

Kate has an extensive knowledge of children's rights law and also works as a SEND mediator. She is the author of *Making Mediation Work For You* (LAG, 2012) and is a member of Garden Court's Mediation team.

Kate is a youth justice expert, author and leading mediator. As a child rights specialist, criminal and public lawyer she regularly advises on issues affecting children in the criminal justice system and has an extensive mediation practice.

"Kate is a leading mediator, her textbook on mediation was described as 'excellent' and 'breaking new ground'."

LORD WOOLF, FORMER LORD CHIEF JUSTICE, 2012

"Kate is a leading youth justice specialist, her book Youth Justice Law & Practice is described as 'authoritative and comprehensive', 'an invaluable resource to assist lawyers, judges and all professionals working in the youth justice system'."

PROFESSOR DAVID ORMEROD, LAW COMMISSIONER FOR ENGLAND AND WALES, 2019

If you would like to get in touch with Kate please contact the clerking team:

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You can also contact Kate directly:

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MEDIATION

Parties have confidence in Kate as a facilitative and dynamic mediator. She has a high settlement rate and is regarded as patient and intuitive. She has a wealth of litigation experience and is able to deal with complex legal and factual issues. Further details can be found on the [Garden Court Chambers Mediation website](#).

She communicates sensitively and effectively in an emotionally charged environment, ensuring that parties have space to focus on reaching areas of agreement. Kate believes that mediation allows for parties to reach creative resolutions and that the mediation process can offer meaningful and practical solutions for people in a dispute.

Kate is an active member of the wider mediation community, she is an accredited civil mediator, a SEND mediator for the award-winning KIDS SEND Mediation Service and she is an accredited community mediator. She has written widely on developments in mediation and is the author of *Making Mediation Work For You* (LAG, 2012).

CRIMINAL DEFENCE

Kate is an experienced criminal defence practitioner and public lawyer. She has a wide range of jury trial experience ranging from fraud to drug conspiracy and firearms to GBH. She has a particular interest and expertise in representing children and vulnerable defendants, offences involving public order and freedom of expression.

She has represented defendants throughout the criminal justice system from fitness to plead proceedings to appeals. Other areas of expertise include the Human Rights Act, disclosure and abuse of process.

Kate has successfully represented demonstrators and political activists. She has taken legal challenges where the accused's civil liberties have been infringed.

Kate is a child rights and youth justice expert, she is co-author of the leading textbook *Youth Justice Law and Practice* (LAG, 2019) is regularly called upon to give lectures and deliver training.

NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases.](#)

Financial Crime & Confiscation

R v C and others, Southwark Crown Court

£20 million NatWest Bank fraud. Complex. Use of Livenote at trial.

R v K and others, Northampton Crown Court

Large scale carousel fraud involving multi millions of VAT. Multi-handed, acquitted following successful application to dismiss.

DWP v Richards, Hove Crown Court & Court of Appeal

Interrelation between confiscation proceedings and the social security regime.

Drug Importation

R v S, Birmingham Crown Court

Multi-million pound cannabis importation; police operation included foreign intercept evidence.

R v S and others, Kingston Crown Court

Class A drug importation, cut-throat defence. Included legal argument re-admission of lip reading evidence and telephone billing.

R v S and others, Kingston Crown Court

Large-scale class A drug importation involving courier running cut-throat defence.

R v M and others, Birmingham Crown Court

Extensive police surveillance operation of class A drug business. Legal argument re admissibility of evidence from participating informant; video and audio footage.

YOUTH JUSTICE & CHILDREN'S RIGHTS

Kate is the former Director of the Youth Justice Legal Centre (YJLC) at Just for Kids Law. She established the award-winning centre, a national organisation which provides expert legal advice and guidance on children's rights in the criminal justice system. In this role she developed and delivered a national training programme for lawyers on youth justice law and ran a specialist advice line.

Kate is a leading youth justice expert and sits on a number of Advisory Boards including the Justice Working Party on Racial Disparity in Youth Justice and the Howard League's Making Sure Black Lives Matter and Young Adults Advisory Boards. She chairs the Ministry of Justice Youth Justice Quality of Advocacy Working Group.

Kate is co-author of the leading textbook *Youth Justice Law and Practice* (LAG, 2019) is regularly called upon to give lectures and deliver training.

NOTABLE CASES

***H v Director of Public Prosecutions* [2021] EWHC 147 (Admin)**

Kate represented H, led by Francis FitzGibbon QC and instructed by the Howard League for Penal Reform. The appeal, by way of case stated, sought clarification as to the available remedies for a child who had been a victim of trafficking when the offences were committed, but was not made aware of the potential defence available to them. This case clarifies that the only remedy for victims of modern slavery, such as vulnerable

children and young adults groomed into street dealing by country lines gangs, who plead guilty to offences because they are not advised of the availability of the section 45 Modern Slavery Act 2015 defence, or referred to the National Referral Mechanism (“NRM”), is to make an application to the Criminal Cases Review Commission.

CRIMINAL APPEALS

Kate has a strong track record appearing before the Court of Appeal. She is particularly interested in advising on cases involving child defendants.

NOTABLE CASES

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R v G (subsequently *P, G & W v Secretary of State for Home Dept & Secretary of State for Justice* [2019] UKSC 3)

G was 12 years old when he was cautioned for sexual offences and received a reprimand. Kate (on behalf of Just for Kids Law) advised G he could challenge the retention of his reprimand because it was a disproportionate interference with his article 8 rights. He won his legal challenge when the Supreme Court ruled that the disclosure of youth reprimands was “directly inconsistent” with their intended purpose as a diversion from the criminal justice system. This has led to a change in the law so that all youth cautions are automatically wiped (filtered) from a child’s criminal record.

R v S

S was just 18 when he was arrested for possession with intent to supply class A drugs at a music festival and received a custodial sentence. He was charged as part of a wider drugs operation. His white co-accused and former classmate received a suspended sentence. Kate (on behalf of Just for Kids Law) advised on appeal following initial refusal of leave. S was represented by Anya Lewis in his successful appeal, the Court of Appeal reduced his sentence to allow for his immediate release.

R v Jones [2006] EWCA Crim 2942

The first instance judge imposed ASBOs on a number of arms fair protestors. Drafted advice on appealing the ASBO, subsequently overturned by the Court of Appeal.

DWP v Richards [2005] EWCA Crim 491

Interrelation between confiscation proceedings and the social security regime. (Question certified by the Court

of Appeal, leave to the House of Lords refused.)

R v Butler

Sentence reduced; small-scale cannabis factory.

R v Nelson

Appeal against sentence - breach of youth rehabilitation order, failure to take into account level of compliance.

Sentence reduced to enable immediate release.

PUBLIC LAW

Kate has specialist knowledge and expertise on children's rights in the criminal justice system and advising on public law-related challenges.

NOTABLE CASES

H v Director of Public Prosecutions [2021] EWHC 147 (Admin)

Kate represented H, led by Francis Fitz Gibbon QC and instructed by the Howard League for Penal Reform.

The appeal, by way of case stated, sought clarification as to the available remedies for a child who had been a victim of trafficking when the offences were committed, but was not made aware of the potential defence available to them. This case clarifies that the only remedy for victims of modern slavery, such as vulnerable children and young adults groomed into street dealing by country lines gangs, who plead guilty to offences because they are not advised of the availability of the section 45 Modern Slavery Act 2015 defence, or referred to the National Referral Mechanism ("NRM"), is to make an application to the Criminal Cases Review Commission.

FINANCIAL CRIME AND CONFISCATION

R v Chahal and others, Southwark Crown Court (2008).

£20 million NatWest Bank fraud. Complex. Use of Livenote at trial.

R v Kokabzadeh and others, Northampton Crown Court (2007).

Large scale carousel fraud involving multi millions of VAT. Multi-handed, acquitted following successful application to dismiss.

PROTEST RIGHTS

Kate has successfully represented demonstrators and political activists. She has taken legal challenges where the accused's civil liberties have been infringed.

NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases.](#)

R v Eastwood (2008) - climate camp protestor acquitted of obstructing police after she superglued herself to an access gate, which prevented a large scale police operation within the camp.

R v Jones (2006) [subsequently [2006] EWCA Crim 2942] - represented climate change protestor who received ASBO. Subsequently overturned by Court of Appeal.

R v Haw (2005) - successfully represented Brian Haw in criminal proceedings arising during the removal by police of his display of political placards and banners opposite parliament

R v Bailey (2005) - first instance decision successfully challenging the operation of s 44 of the *Terrorism Act 2000*. [This point of law was considered in *Gillan & Quinton v UK* [2008] ECHR 521 - breach of Article 8 held]

PRISONERS' RIGHTS

Kate has an expanding practice of prison law. As part of her commitment to prisoners' rights she was actively involved in establishing the Foreign National Prisoners' Network. The group was established when growing numbers of foreign nationals within the prison estate were facing re-categorisation, immigration detention and removal and were unable to access to legal advice.

BACKGROUND

Kate has recently returned to chambers having taken a sabbatical to establish the award-winning Youth Justice Legal Centre at [Just for Kids Law](#). The centre provides specialist legal resources, training and advice for those working in youth justice.

Kate has a background in the voluntary sector, which has included work as a research assistant for Liberty (formerly the National Council of Civil Liberties). She co-founded the Rwenzori Development Foundation, a charity supporting community-led educational and conservation projects in south-western Uganda and is a trustee of Little Crickets, a support group working with hearing impaired children. Kate spent several years working as a youth worker before becoming a barrister

PUBLICATIONS

Consultant Editor of *Halsbury's Laws of England*, Criminal Procedure (part 6: Proceedings Involving Defendants Under the Age of 18)

Contributing Author, *Lockdown Justice* (LAG, 2020)

Co-author, *Youth Justice Law and Practice* (LAG, 2019)

Author, *Making Mediation Work For You: a practical guide* (LAG 2012).

Contributing author, '*Blackstone's Guide to the Criminal Justice and Immigration Act 2008*' (OUP, 2009).

TRAINING AND SEMINARS

In addition to her work as a mediator and barrister, Kate provides training and seminars on child rights and youth justice. She has also contributed to research on childrens' rights within the criminal justice system.

While Director of the Youth Justice Legal Centre (YJLC) at Just for Kids Law she developed and delivered a national training programme for lawyers on youth justice law having previously helped deliver the Just for Kids Law Training Programme in conjunction with the Prison Reform Trust.

EDUCATION

BA (Hons)

CPE (Distinction, School Prize)

BVC

PROFESSIONAL MEMBERSHIP

Howard League for Penal Reform

Liberty

Standing Committee for Youth Justice

Criminal Bar Association

South East Circuit

Administrative Law Bar Association

Legal Action Group

Garden Court Mediation (accredited by the Civil Mediation Council)

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